

UNITED STATE DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

JOSEPH COOPER

v.

BRODERICK STEVEN "STEVE" HARVEY

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CASE NO. 3:14-CV-04152-B

**ORDER ON DEFENDANT'S MOTION IN LIMINE**

On January 20, 2017, the Court considered the DEFENDANT'S MOTION IN LIMINE, and after reviewing evidence and hearing the arguments, the Court hereby **ORDERS**:

Plaintiff's counsel and all witnesses called on Plaintiff's behalf are to refrain from any mention or interrogation, directly or indirectly, in any manner whatsoever, regarding the subject matter in the paragraphs marked **GRANTED** below. This prohibition includes the offering of documentary or oral evidence, without first requesting and obtaining a ruling from the Court, outside the presence and hearing of the jury or any prospective jury member.

1. That Plaintiff has/had any claim for tortious interference with contractual relations or prospective business relations.

**GRANTED.**

2. Any evidence of the alleged distributor agreement with Movie Video Distributors or the terms or negotiations related thereof.

**GRANTED.**

3. Allegations that Harvey admitted in a 1998 lawsuit that the Video Invoice is a valid agreement.

**GRANTED.**

4. Plaintiff offering documents, recordings or other exhibits into evidence that were not produced timely in this litigation, with the exception of timely impeachment evidence.

**The Court has taken this matter UNDER ADVISEMENT.**

5. Plaintiff from mentioning, alluding to, or offering excerpts of voice mail, surreptitious tape recordings, or other electronic recordings allegedly of conversations between him and Harvey and/or Harvey's representatives since (a) the excerpts were doctored; (b) many of the recordings were never released during the litigation in their entirety; and (c) the recorded conversations were not authorized and some were illegally recorded.

**GRANTED.**

6. Plaintiff offering excerpts from his recordings of Harvey's performances that contain negative racial, gender, sexual comments or other inflammatory matter on the grounds that such information is irrelevant, unfairly prejudicial, and thus inadmissible. And some of the recordings contain hearsay statements of other performers.

**GRANTED.**

7. Any testimony from Joseph Cooper regarding the amount of damages he allegedly incurred or the manner in which the damages should be calculated.

**GRANTED.**

8. Any references, including any questioning regarding the same, relating to privileged information.

**GRANTED.**

9. Allegations that Harvey did not provide exemplars of his signature.

**GRANTED.**

It is further Ordered that Plaintiff's counsels shall not mention or bring before the jury either directly or indirectly upon *voir dire* and examination, opening statement, interrogation of witnesses, in argument, objections before jury, or by any other means or in any other manner, inform the jury or bring to the jury's attention, any of the matters set forth above upon which the Court has granted the motion unless and until any such matters have been first called to the Court's attention out of the presence and hearing of the jury and a favorable ruling received from the Court as to the admissibility and relevance of any such matters;

It is further ordered that Plaintiff's counsels must inform, and counsel with, all of their

witnesses and client not to volunteer, interject, disclose, state, mention in the presence of the jury or in any other way of the matters stated in the above paragraphs, upon which the Court has granted the motion, unless and until specifically questioned thereon after prior favorable ruling by the Court; and

Further, Plaintiff's counsels are instructed that a violation of the Court's instructions in connection with this Motion constitutes undue harm to Defendant's case and would deprive Defendant of a fair and impartial jury trial, and such violation and failure to abide by the Court's order may bring about a mistrial and/or result in sanctions.

SIGNED on the 23<sup>rd</sup> day of Jan, 2017.

  
JANE J. BOYLE  
UNITED STATES DISTRICT JUDGE